

**Notice of Allowability****Application No.**

09/529,159

**Applicant(s)**

BRYAN-BROWN ET AL.

**Examiner**

Jeanne A. Di Grazio

**Art Unit**

2871

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment of 5 September 2003.
2. ☒ The allowed claim(s) is/are 1,3-44 and 46-59.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.**

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 3-44, and 46-59 allowed. Claims 2 and 45 have been cancelled by previous Amendment.

### ***Reasons for Allowance***

The current prior art of record fails to teach or to fairly suggest the limitation of a means for reducing anchoring energy where the means is an oligomer or polymer within liquid crystal at cell walls.

This limitation appears in all independent claims 1, 13, 18, 33, and 44.

Because claims 3-12 depend from claim 1 they are allowed.

Because claims 14-17 depend from claim 13 they are allowed.

Because claims 19-32 depend from claim 18 they are allowed.

Because claims 34-43 depend from claim 33 they are allowed.

Because claims 46-59 depend from claim 44 they are allowed.

### ***Notes***

1. The Examiner respectfully wishes to draw Applicants' attention to Applicants' comment regarding the words "surround" and "within" at pages 11 and 12 of the Amendment of September 5, 2003.

Upon careful review of Merriam Webster's Collegiate Dictionary, 10<sup>TH</sup> Ed., the first definition of "surround" states "to enclose on all sides: ENVELOP." The first definition of "within" states "used as a function word to indicate enclosure or containment" and furthermore

Art Unit: 2871

“an inner place or area.” The Examiner has included photocopies of these definitions for Applicants’ convenience.

Therefore, contrary to Applicants’ assertion that “the word ‘surround’ is not the same thing as ‘within’” (Amendment of September 5, 2003 at page 11), “surround” and “within” are completely synonymous with each other and can in fact mean the same thing.

2. The Examiner acknowledges and thanks Applicants for having drawn the Examiner’s attention to “walls” plural (Amendment of September 5, 2003 at page 12).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (703)305-7009. The examiner can normally be reached on M-F.

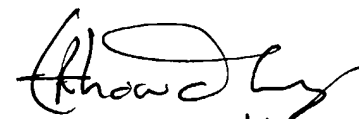
If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Kim, can be reached on (703) 305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Jeanne Andrea Di Grazio

Robert Kim, SPE

JDG

  
T. Chowdhury  
Primary Examiner